

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TIMOTHY WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:07-cv-742-MEF
)	
UNITED STATES OF AMERICA,)	(WO)
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This cause is before the Court on Plaintiff Timothy Williams' ("Williams") Motion to Dismiss for Want of Subject Matter Jurisdiction (Doc. # 29), filed January 29, 2008. In this motion, Williams seeks to vacate his convictions under 18 U.S.C. § 924(c)(1)(A) and 21 U.S.C. § 841(a)(1), on the grounds that this Court lacked subject matter jurisdiction to adjudicate on the charges against him. Williams argues that the United States failed to allege and/or prove the existence of a nexus with interstate commerce, which, he contends, defeats subject matter jurisdiction in this Court. Williams' argument is without merit due to the fact that it is well-settled that even a failure of allegation or proof of an interstate commerce element does not deprive this Court with subject matter jurisdiction over the case. *See, e.g., Alikhani v. United States*, 200 F.3d 732, 735 (11th Cir. 2000).

For the reasons stated above, it is hereby ORDERED that Plaintiff's Motion to Dismiss (Doc. # 29), filed January 29, 2008 is DENIED.

DONE this the 25th day of February, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE